

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED MAR 04 2009

JORDAN ALLEN TAIT : CIVIL ACTION

v. :

VINCENT GUARINI, et al. : NO. 08-4180

ORDER

AND NOW, this **4** day of March, 2009, upon careful and independent review of the Report and Recommendation of Thomas J. Rueter, Chief United States Magistrate Judge, it is hereby

**ORDERED**

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies; and
3. A certificate of appealability is not granted.

ENTERED

MAR 4 2009

CLERK OF COURT

BY THE COURT:



BERLE M. SCHILLER,

J.